

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 12, 2005
Tuesday, 9:16 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp, present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Father Dan Spexarth, St. Thomas Aquinas, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the April 5, 2005 meeting were approved 7 to 0.

CONSENT AGENDA:

Council Member Lambke Council Member Lambke requested that Item 8c. be pulled.

Mayor Mayans Mayor Mayans requested that Item 8a. be pulled.

Motion-- Mayans moved that the Consent Agenda Items 1 through 12i, excluding Items 8a and 8c, be approved
--carried as presented. Motion carried 7 to 0.

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 11, 2005.**

Bids were opened March 8, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Bike Path along the Little Arkansas River with rest stations from 13th Street to 21st Street (472-83812/87TE-0195-01/706876/203342) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$577,135.07 *
*Upon KDOT approval

2005 Contract Maintenance Arterial Concrete Repairs - north of Pawnee, west of Hillside. (472-84152/132718/620426/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,VI)

Kansas Paving Company - \$149,440.00 (Engineer's estimate)

2005 Contract Maintenance Asphalt Street Repairs and Quickset Slurry Seal, Phase 2 - north of MacArthur, west of Webb Road. (472-84153/132718/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II,III,IV)

Ferguson Paving - \$609,614.00 (Engineer's estimate)

Motion-- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest
--carried and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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FIRE DEPARTMENT/SAFETY DIVISION: Interspiro Respiratory Equipment.

Roberson Fire & Safety Inc.- \$43,279.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/FLEET DIVISION & WATER & SEWER
DEPARTMENT/SEWAGE TREATMENT DIVISION:: Articulated Wheel Loader with Bucket.

Murphy Tractor & Equipment Co., Inc. - \$131,161.00 (Group 1/total base bid)

\$ 3,206.00 (Group 1/option 1)
\$ 2,390.00 (Group 1/option 2)
\$ 5,070.00 (Group 1/option 4)
\$ 2,740.00 (Group 1/option 5)
<\$-60,000.00>(Group 1/option 7/deduct)

Sellers Tractor Co. Inc. - \$181,774.00 (Group 2/total option 2)

\$ 5,352.00 (Group 2/option 3)
\$ 4,023.00 (Group 2/option base bid)
No charge (Group 2/option 1)
\$ 5,809.00 (Group 2/ 4)
\$ 1,350.00 (Group 2/option 5)
\$ 15,374.00 (Group 2/option 6)
<-\$35,255.00 >(Group 2/option 7/deduct)

Murphy Tractor & Equipment Co., Inc. - \$131,161.00 (Group 3/total base bid)

\$ 2,740.00 (Group 3/option 5)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES:

Renewal Escort Service

Tekoa Callaway	A Private Exscapes	333 English #150
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Renewal Adult Entertainment

Valerie Washington	Xcitement Video	1306 East Harry
Valerie Washington	Xcitement Video	1515 South Oliver

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Edith Boede	Lil Mexico*	1601 East Pawnee
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Stan Edde	Falley's Inc. dba Food for Less #60	1607 South Georgetown Street
Stan Edde	Falley's Inc. dba Food for Less #61	3137 South Seneca
Stan Edde	Falley's Inc. dba Food for Less #62	1910 West 21st Street
James Giebler	Dillon Store #81	13415 West Maple
Thuan Thi Ngo	C.T. Happy Store	2199 North Woodlawn

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Kim T. Huynh

Kim Son Asian Food Market

960 East Pawnee

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) 2005 Contract Maintenance Area Concrete Street Repairs Phase 2 - north of 33rd Street South, west of Rock Road. (472-84149/132718/) Traffic to be maintained during construction using flagpersons and barricades. (District III, IV) - \$244,300
- b) Storm Water Drain #205 to serve Highland Springs Third Addition - south of 13th Street North, west of 135th Street West. (468-83637/751392/485283) Does not affect existing traffic. (District V) - \$240,000
- c) Magruder-Holland Water Main Replacement Project - from Harry to Lincoln, between Waco and Market. (448-89811/634023/773194) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$925,000.00
- d) 2005 Sanitary Sewer Rehabilitation, Phase B - (various locations between 14th Street North & 31st Street South, and between Rock & Meridian. (468-83955/620428/665548) traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI) - \$377,000
- e) 2005 Sanitary Sewer Reconstruction, Phase 3 - various locations between 31st Street South & 17th Street North and between Ridge & Webb. (468-83970/620429/665549) traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,V,VI) - \$200,000
- f) Eisenhower Court to serve Airport Industrial Park Addition - south of Harry, west of Hoover. (472-84112/765908/490021) traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$110,000
- g) Water Distribution System to serve Woodland Lakes Estates 3rd Addition - south of Lincoln, west of 127th Street East. (448-89787/735239/470910) Does not affect existing traffic. (District II) - \$90,000
- h) Storm Water Sewer #583 to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (468-83561/751379/485270) Does not affect existing traffic. (District V) - \$130,000
- i) Storm Water Drain #156 to serve Sawmill Creek Addition -north of 45th Street North, east of Rock. (468-83169/751391/485282) Does not affect existing traffic. (District II) - \$309,000
- j) Wichita River Corridor Improvement Project and Cable-Stayed Pedestrian Bridges over the Confluence of the Big and Little Arkansas Rivers - north of 2nd Street North, east of McLean Boulevard. (87TE-0176-01/472-82799/706556/715391/405209/242107) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$27,798,214

Motion--carried

Mayans moved that the Preliminary Estimates be approved. Motion carried 7 to 0.

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PETITIONS FOR PUBLIC IMPROVEMENTS:

TYLER'S LANDING

PAVING IMPROVEMENTS FOR TYLER'S LANDING COMMERCIAL ADDITION, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0325

The Petitions have been signed by five owners, representing 100% of the improvement districts.

These projects will provide paving improvements to a new commercial development located south of 37th Street North, east of Tyler.

The Petitions total \$232,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-194

Resolution of findings of advisability and Resolution authorizing construction of an Accel/Decel Lane of the east side of Tyler Road and on the south side of 37th street north from the south line of the Plat to the east line of the Plat to serve Lots 1 through 7, Block A, Tyler's Landing Commercial Addition (south of 37th street north, east of Tyler) 472-84171 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-195

Resolution of findings of advisability and Resolution authorizing constructing a permanent left turn bay on Tyler Road from the south line of the plat to 37th street north, to serve lots 1 through 4, block A, Tyler's Landing Commercial Addition (south of 37th street north, east of Tyler) 472-84172 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-196

Resolution of findings of advisability and Resolution authorizing constructing a permanent left turn bay on 37th street north from Tyler Road to the east line of the plat, to serve lots 4 through 7, block A, Tyler's Landing Commercial Addition, (south of 37th street north, east of Tyler) 472-84173 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-197

Resolution of findings of advisability and Resolution authorizing constructing a traffic signalization device to serve the intersection of Tyler Road and 37th street north (south of 37th street north, east of Tyler) 472-84174 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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FAIRMONT 3RD ADD. CONSTRUCT A LATERAL SANITARY SEWER IN THE FAIRMONT THIRD ADDITION, WEST OF 127TH STREET EAST, NORTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 05-0326

On December 7, 2004, the City Council approved a Petition to construct a lateral sanitary sewer in The Fairmont 3rd Addition. The Department of Water and Sewer has implemented a policy to collect a sewer main benefit fee from owners of property that have not been included in a sanitary sewer main improvement district. The fee can be paid by special assessments as part of a lateral sanitary sewer project. The Fairmont 3rd Addition has not been included in a sanitary sewer main improvement district. The developer has submitted a new Petition that includes the main benefit fee. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located west of 127th St. East, north of 21st.

The existing Petition totals \$131,000. The new Petition totals \$147,150. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-198

Resolution of findings of advisability and Resolution authorizing construction of lateral 4, main10, Four Mile Creek Sewer (west of 127th street east, north of 21st) 468-83935, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

KRUG NORTH

CONSTRUCT A LATERAL SANITARY SEWER IN KRUG NORTH AND EAST SIDE COMMUNITY CHURCH SECOND ADDITIONS, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0327

On April 20, 2004, the City Council approved a Petition to construct a lateral sanitary sewer in Krug North and East Side Community Church 2nd Additions. The Department of Water and Sewer has implemented a policy to collect a sewer main benefit fee from owners of property that have not been included in a sanitary sewer main improvement district. The fee can be paid by special assessments as part of a lateral sanitary sewer project. Krug North and East Side Community Church 2nd Additions have not been included in a sanitary sewer main improvement district. The developer has submitted a new Petition that includes the main benefit fee. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new residential development and church building located north of 21st, west of 143rd St. East.

The existing Petition totals \$107,000. The new Petition totals \$150,400. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

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Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-199

Resolution of findings of advisability and Resolution authorizing construction of lateral 364, Four Mile Creek Sewer, (north of 21st, west of 143rd street east) 468-83787, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CONTS/AGRMNTS CONTRACTS & AGREEMENTS, BLANKET PURCHASE ORDERS RENEWAL OPTIONS FOR APRIL 2005.

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

AGREEMENTS/CONTRACTS:

(Item 8a) FOOD SERVICES CONTRACT FOR MANAGEMENT OF FOOD SERVICES.

Agenda Report No. 05-0328

The City Hall Cafeteria operated from the time City Hall first opened in November 1975 through the current year, except for a brief period from 1996 through January 1998. The current operator J&D Group (dba City Bistro) opened in January 1998. The current contract provides a management fee or subsidy of \$1,250 per month with the City obligated for custodial and maintenance of City-owned equipment. The City Bistro's contract expires as of April 30, 2005 with the option to renew for one additional year.

J& D Group (Bistro) is requesting an increase in their monthly management payment of \$1,250 to \$2,500 per month with the City continuing the custodial and maintenance.

The Bistro has not been able to maintain the level of business needed to continue a viable business without an increase in the management payment. Under this proposal, the City Bistro would continue its current lunch menu (includes a hot bar with daily entrees) and variety of vegetables, grilled sandwiches, soup bar, salad bar, wrap bar, dessert bar, deli sandwich bar and snack stations along with a full breakfast menu which includes hot and cold selections with a full breakfast menu which includes hot and cold selections.

The Bistro provides a convenient place for employees (and visitors) to have breakfast/lunch. It has some advantages of saving employee's time from going out to lunch and is looked upon as an employee benefit offered by the employer.

The Law Department will review and approve the contract as to form.

Under the terms of the agreement, the City's annual base commitment would not exceed \$30,000, excluding custodial and any maintenance costs. The funds will be included in the revised budget.

Motion--carried Mayans moved that staff be instructed to put this Item out for bids. Motion carried 7 to 0.

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LASER PRINTER

LASER PRINTER – SELECTION OF VENDOR.

Agenda Report No. 05-0329

The City purchases Laser Printer hardware through a bid process based on each requirement. To secure volume pricing/discounts, staff explored securing a master contract for Laser printer purchases this year. It was determined that optimal pricing could be attained by awarding a contract to a single vendor.

A competitive Request for Proposal (FP400109) for computer equipment and maintenance was posted and 8 responses were received. A staff screening and selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. Interviews were held with the three finalists before a decision was reached.

The product quality and functionality of the proposed printers were very similar. However, Dell Computer Corporation offered the lowest priced printers with the lowest operating cost. Three year onsite technical support is included and extensive purchasing and technical support are available online.

Laser printers purchases are within departmental operating budgets and the annual total is expected not to exceed \$50,000.

The Law Department is currently reviewing and will approve the contracts as to form. The contract will be for one year with an annual renewal options for an additional two years.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

(Item 8c)

AIRTRAN AIRWAYS

TRANSPORTATION SERVICES AGREEMENT-AIRTRAN AIRWAYS, INC.

Agenda Report No. 05-0338

On February 28, 2002, the City Council entered into a two-year revenue guarantee agreement with AirTran Airways. AirTran was to provide airline service to Atlanta and Chicago with Boeing 717 aircraft, effective May 8, 2002. A revenue guarantee based upon costs of service was established with a cap of \$3 million the first year and \$1.5 million the second year. On May 10, 2004, the City Council approved a one-year extension of the AirTran revenue guarantee agreement, until May 7, 2005, with a cap of \$2.5 million. AirTran is desirous of entering into an additional one-year revenue guarantee agreement with the City of Wichita, under the conditions outlined below.

The presence of AirTran and their corresponding pricing structure has had a significant impact on airfares at Wichita Mid-Continent Airport, contributing to a 30% overall reduction in airfares and a corresponding 33% increase in passengers. It is estimated that the savings to the air travelers using Wichita Mid-Continent Airport as a result of the presence of AirTran exceeds \$85 million dollars.

The proposed new agreement calls for a minimum of three daily round trips to AirTran's Atlanta hub using 117-passenger Boeing 717s, beginning on June 7, 2005 and continuing for the term of the agreement, plus one weekly flight to Orlando. In place of a specified-dollar cap, the new agreement includes a termination provision that allows the City to unilaterally terminate the agreement with 75-days written notice when the City determines that the funding appropriated for revenue guarantee payments will run out. In addition, under the new agreement, the City will receive credit for any profits AirTran makes during a monthly accounting period, to offset any later revenue guarantee payments that may be required as a result of non-profitable months.

Sedgwick County and the Wichita Area Chamber of Commerce have joined in the effort to secure affordable air service a Wichita Mid-Continent Airport on a permanent, sustainable basis. Sedgwick County will consider entering into an inter-local agreement with the City to provide additional funding

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for the revenue guarantee payments, in the event the City's funding is depleted. The Chamber of Commerce is working on an enhanced frequent flyer program that will provide attractive incentives to encourage greater patronage of AirTran flights by business travelers using Mid-Continent Airport.

The agreement calls for a revenue guarantee (a guarantee that AirTran will break even financially on the Atlanta route) paid monthly if there are demonstrated losses, after netting out any prior profits on the Atlanta route. The goal is for AirTran to become profitable in the market. Funding for the 2005 revenue guarantee agreement will come from funds transferred to the Economic Development Fund from the Landfill Post Closure Fund and the General Fund appropriated reserves (if required) in the amount of \$2.5 million. Supplemental funding is anticipated from Sedgwick County in the amount of \$1 million, pursuant to an inter-local agreement.

Expending these funds from the Economic Development Fund will require the Fund to be amended (re-certified) with the State of Kansas, pursuant to 79-2929a. By the short-term utilization of contingencies in the Economic Development Fund and other funds, this re-certification process can be scheduled in August, in conjunction with the adoption of the annual budget or earlier if required.

Council Member Lambke Council Member Lambke stated that he and other Council Members received a letter from Delta Airlines making allegations that the City of Wichita was not treating the airlines fairly as required by FAA regulations. Stated that he does not feel that this item should be voted on today and that the incoming Council Member should have an opportunity to study this and express his opinion. Stated that he will not be voting in favor of this.

Motion-- Lambke moved to defer this Item until the new Council Member takes his seat at the bench.

George Kolb City Manager stated that there is a deadline, which is the end of April because the contract would take effect in May. Stated that this could be deferred until the next Council Meeting.

Council Member Brewer Council Member Brewer stated that the Council should go ahead and defer this Item until next week to give Jim Skelton an opportunity to also review it.

--carried Motion carried 7 to 0.

PROPERTY ACQ. PART OF 6321 EAST CENTRAL FOR CENTRAL: OLIVER TO WOODLAWN. (DISTRICTS I AND II)

Agenda Report No. 05-0330

On November 4, 2003 City Council approved a project to improve Central, between Oliver and Woodlawn. The improvement plans call for partial acquisitions of seven parcels. One of the required parcels is located at 6321 E. Central. The acquisition of 6321 Central requires an 803.3 square foot strip of land. The property is owner occupied by World Savings Bank on an 24,829.2 square foot site

Analysis: The building improvements, other than their sign in the proposed right-of-way, will not be impacted by this acquisition. The property owner of 6321 E. Central has agreed to accept \$23,840.00. \$9,179 for the acquisition; \$1,946 for the temporary easement and \$12,715.00 is the replacement cost of their current monument sign.

The funding source for the City share of the project is General Obligation Bonds with Federal monies. A budget of \$24,590 is requested. This includes \$23,840 for the acquisition and \$750 for closing costs and title insurance.

The Law Department has approved the contracts as to form.

Motion-- Mayans moved that the Budget and Real Estate Purchase Contracts be approved and the necessary
--carried signatures authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

BY EMINENT DOMAIN OF A TRACT REQUIRED FOR THE IMPROVEMENT OF CENTRAL AVENUE FROM OLIVER TO WOODLAWN. (DISTRICTS I AND II)

Agenda Report No. 05-0331

On November 4, 2003, the City Council approved a project to improve Central between Oliver and Woodlawn. The project will require the acquisition of several parcels of land and easements. One of the required acquisitions is a 266 square foot corner clip and two temporary easements from the property at 6402 East Central. The parcel has 15,625 square feet and is improved with a 2,611 square foot concrete block facility. It is currently configured for automobile service. The acquisition does not physically impact the building, although one drive off of Woodlawn will be closed.

City staff has been attempting to negotiate a purchase of the identified property but has been unable to reach an agreement with the owner. The acquisition was appraised at \$11,550. This amount includes payment for the land plus compensation for the temporary easements. The owner has rejected the offer but has not presented a counter proposal. Staff will continue to negotiate with the owners, but due to the lack of a counter offer, eminent domain proceedings need to be initiated.

The cost of this acquisition will be paid for by the City at large.

Motion--

Mayans moved that the resolution be adopted and the ordinance providing for the acquisition by eminent domain of certain real property and the City Attorney be directed to file the appropriate proceedings in the District Court to accomplish such acquisition, on first reading. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-200

A resolution declaring the necessity for acquiring private property for the use of the City of Wichita, in connection with planned improvements to Central Avenue from Oliver to Woodlawn, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Central Avenue between Oliver and Woodlawn in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

CERT. OF CANVASS

CERTIFICATE OF CANVASS.

Certificate of Canvass of the votes cast in the General Election on April 5, 2005, determining that the following candidates were duly elected:

Council Member, District I
Carl Brewer

Council Member, District III
Jim Skelton

Council Member, District VI
Sharon Fearey

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

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701 W. HARRY

APPROVAL OF LEASE OF CITY PROPERTY AT 701 WEST HARRY. (DISTRICT IV)

Agenda Report No. 05-0332

On April 8, 1987, the City leased the City-owned facility located at 701 West Harry to the Board of County Commissioners of Sedgwick County for use as a detention facility. The lease called for annual rental of one dollar per year and a ten year term with two five year options. The County exercised the first option in 1997 but did not give timely notice to exercise the second option. They have occupied the facility on a month-to-month basis since the end of the first option period.

Several sections in the prior lease are outdated or unclear. Because of this, a new lease was drafted. All major items in the lease, including maintenance responsibilities, insurance and liability requirements, disposition of the property at lease termination, use of the property, etc. remain unchanged. The new

lease has a five-year term with two five-year options. The new lease was approved by the Board of County Commissioners at their March 23, 2005 meeting.

The financial details of the prior lease are unchanged.

The Law Department has approved the lease as to form.

Motion--
--carried

Mayans moved that the lease be approved and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ APRIL 5, 2005)

- a) Nuisance abatement assessments.

ORDINANCE NO. 46-566

1. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 46-567

2. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of section 7.40.050 of the Code of the City of Wichita, Kansas be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Abatement of dangerous & unsafe structures. (Districts I, III, IV V & VI)

ORDINANCE NO. 46-568

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of sections 18.16.010 to 18.16.090 of the code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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- c) Northwest Bypass (District V)

ORDINANCE NO. 46-569

An Ordinance declaring the Northwest Bypass Expressway (472-84199) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same., read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Gray, Martz, Schlapp, Mayans. (Fearey, no).

- d) Issuance of Industrial Revenue Bonds, Cap Carpet, Inc. (District V)

ORDINANCE NO. 46-570

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of Taxable Industrial Revenue Bonds, Series II-A, 2005 (Cap Carpet, Inc. Project) in the aggregate principal amount of not to exceed \$3,000,000 and its subordinated taxable Industrial Revenue Bonds, Series II-B, 2005 (Cap Carpet, Inc.) Project) in the aggregate principal amount of \$1,000,000 for the purpose of providing funds to purchase, acquire, construct and equip a corporate office and warehouse distribution facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Security Bank of Kansas City, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease by and between the City and Ridge Plaza Ventures, LLC; approving the form of a sublease between ridge plaza ventures, LLC, and Cap Carpet, inc.; approving the form of a guaranty agreement and an individual guaranty agreement; authorizing the execution of a Bond Purchase Agreement by and among the City, Ridge Plaza Ventures, LLC, and Intrust Bank, N.A., as purchaser of the Series II-A 2005 bonds; and the execution of a bond purchase agreement by and among the City, Ridge Plaza Ventures, LLC, and Lavone J. Pirner, as purchaser of the Series II-B, 2005 Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Mayans. (Lambke no.)

- e) Excel Exemption Request, Excel Manufacturing, Inc. (District IV)

ORDINANCE NO. 46-571

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Excel Manufacturing, inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- f) Tax Exemption Request, Sharpline Converting, Inc. (District V)

ORDINANCE NO. 46-572

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valor tax exemption; and describing the property of Sharpline Converting, inc. so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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- g) Reformation of the Snap-It Program.

ORDINANCE NO. 46-573

An Ordinance amending Section 11.52.025 of the Code of the City of Wichita, Kansas, pertaining to enforcement of handicap parking violations, and repeal of the original Section 11.52.025, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- h) Eminent domain of a tract required for the Pawnee and Washington Intersection Improvement Project. (District III)

ORDINANCE NO. 46-574

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Intersection of Pawnee and Washington, in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- i) Settlement of Litigation – Case No. 03-CV 2854. (District V)

ORDINANCE NO. 46-575

An Ordinance authorizing the City of Wichita to enter into an Interlocal Agreement with the City of Maize relating to the provision of sewer service by the City of Wichita to areas inside the city limits of the City of Maize, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PLANNING AGENDA:

Motion--carried

Mayans moved that the Planning consent Items be approved as presented. Motion carried 7 to 0.

VAC2004-00036

VAC2004-00036-REQUEST TO VACATE A PLATTED WATERLINE EASEMENT, GENERALLY LOCATED SOUTH OF PAWNEE AVENUE, NORTHEAST OF THE MARION STREET & BROADWAY AVENUE INTERSECTION. (DISTRICT III)

Agenda Report No. 05-0333

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant proposes vacation of the platted 10-foot water easement located on Lot 6, Block A, a Replat of Part of the Kinkaid Park Addition. There is an existing waterline in the platted 10-foot waterline easement. The applicant has moved the existing water line for redevelopment of the site and dedicated easement by separate instrument to cover the relocated water line. The site is part of CUP DP-43. The Replat of Part of the Kinkaid Park Addition was recorded December 24, 2003.

The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

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A certified copy of the Vacation Order and an easement dedicated by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2005-00003

VAC2005-00003-REQUEST TO VACATE A PLATTED UTILITY EASEMENTS, GENERALLY LOCATED NORTHEAST OF THE RIDGE ROAD-KELLOGG DRIVE INTERSECTION, MORE SPECIFICALLY SOUTHWEST OF THE UNIVERSITY AVENUE-EMERSON STREET INTERSECTION. (DISTRICT V)

Agenda Report No. 05-0334

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting consideration to vacate a platted 20-foot utility easement located between Lots 2 & 3 (10-foot on each lot) and portion of the northeast corner of Lot 4, all in Block A, the Ridge Plaza 8th Addition. There are no franchised utilities, manholes, sewer or water lines in the easement, nor is there a future need for the easement. The Ridge Plaza 8th Addition was recorded with the Register of Deeds April 15, 1982.

The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a restrictive covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2005-00004

VAC2005-00004-REQUEST TO VACATE A PLATTED CONTINGENT DEDICATION OF STREET-RIGHT-OF-WAY, GENERALLY WEST OF HOLLAND LANE AND NORTH OF KELLOGG DRIVE. (DISTRICT V)

Agenda Report No. 05-0335

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting vacation of the platted contingent dedication of street right-of-way (ROW), as dedicated on the Ridge Plaza 4th Addition. The Ridge Plaza 4th Addition was recorded with the Register of Deeds July 23, 1973. The plat at the time of its recording showed a contingent dedication of street ROW extending from Holland Lane to Woodchuck Lane. A portion of the Ridge Plaza 4th Addition was replatted as the Woodchuck Villas Addition and was recorded with the Register of Deeds October 9, 1978. The replat vacated the western portion of the contingent dedication of street ROW, causing the remaining contingent dedication of street ROW in the Ridge Plaza 4th Addition to become a dead end. A subsequent replat of the Woodchuck Villas Addition into the Woodchuck Villas 2nd Addition did not reinsert the ROW to its original Woodchuck Lane intersection, thus the remaining contingent dedication of street ROW in the Ridge Plaza 4th Addition remains a dead end. The site is in CUP DP-37.

The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

AIRPORT AGENDA:

Motion--carried

Mayans moved that the Airport consent Items be approved as presented. Motion carried 7 to 0.

PARKING FACIL.

CONTRACT FOR MANAGEMENT OF PARKING FACILITIES AT MID-CONTINENT AIRPORT.

Agenda Report No. 05-0336

The public parking lots at Mid-Continent Airport gross approximately \$4,000,000 annually. The management contract structure under which the public and employee lots have been operated since 1996 provides for expense reimbursement to the parking management firm amounts necessary to operate the lots plus a management fee to cover administrative expenses such as insurance and profit. The current five-year contract with AMPCO System Parking will end on April 30, 2005.

A Request for Proposal was published to which three responses were received. After reviewing the responses and conducting in-person interviews, the Staff Screening and Selection Committee selected AMPCO System Parking to provide the services. The company brings extensive experience in the operation of airport parking lots with shuttle service, presented innovative ideas and is poised to team with the Airport to address the parking program during the construction of the new terminal. As required by Administrative Regulation 1.2, the City's internal auditor and the City Manager have reviewed the selection process and documentation.

The contract is for three years with two one-year options. The total management fee for the five-year period is \$369,422 ranging from \$61,000 - \$95,000 per year payable monthly in arrears. The Director of Airports approves annual parking expense budgets for reimbursement.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

HVAC IMPROV.

ADMINISTRATION BUILDING HVAC IMPROVEMENTS, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0337

On April 1, 2003 the Wichita Airport Authority approved an agreement with Howard and Helmer for professional design services related to the upgrade the Airport Administration HVAC system.

A supplemental agreement with Howard and Helmer Architects has been prepared for construction-related services during this project.

The consulting services will cost \$2,300 and are within the project budget. The services will be funded with General Obligation Bonds paid with Airport revenue.

Motion--
--carried

Mayans moved that the supplemental agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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COMMENTS FROM MAYOR AND COUNCIL MEMBERS.

- Mayor Mayans Mayor Mayans recognized the following elected officials: Lenora Nolan and Sarah Skelton, School Board Members; Ben Sortino and Tom Winters, County Commissioners; Bill Meek, Register of Deeds; Bob Knight, former Mayor; Joan Cole, Bill Gale and Greg Ferris; former City Council Members; Jim Ward, State Representative; Rip Gooch, former State Senator; and his wife Linda Mayans.
- Mayor Mayans Mayor Mayans stated the he and the other Council Members would like to recognize Council Member Phil Lambke for his eight years of service as a City Council Member.
- Council Member Brewer Council Member Brewer stated that he has had an opportunity to work with Council Member Lambke over the past four years and that he has brought a unique flavor to the Council. Stated that he has not ever seen Council Member Lambke get excited or upset and was always calm and that there are a lot of things that he has learned from him and appreciates the experience of being able to work with him and the sacrifice and contributions that he has made to the community and to the City of Wichita.
- Council Member Fearey Council Member Fearey stated she is going to miss him and that they did not always agree on things but he always was willing to listen to what she had to say and take it into consideration. Stated that she has learned a lot from him, especially about sticking to your guns even when you are that lone "no" vote. Stated that sometimes that lone "no" vote is as important as six other "yes" votes. Stated that she will try her hardest to remember that for the next four years and to follow his example and follow his lead of being available for people and always wanting to do what is right for Wichita. Stated that it has been a privilege to serve with him.
- Council Member Gray Council Member Gray stated that it has been a short two-years and has enjoyed it very much. Stated that there has been an interesting dynamics between the two of them since he is the youngest member and Council Member Lambke is the oldest member and has taken that with a lot of respect and have appreciates the things that he has taught him and things that he has been able to learn from him. Stated that he has had a lot of great ideas over the years and a lot of them were bigger than any of them could ever accomplish, especially his opinions and views on national participation and national interest and federal interest.
- Council Member Martz Council Member Martz stated that he would like to start off by thanking Mrs. Lambke. Stated that it has been a pleasure working with Georgia as well as Phil. Stated that the last six years have been fun and he has thoroughly enjoyed having him across the hall and have had many heart to heart conversations. Stated that Phil Lambke is a shining example of the Brokaw book of The Greatest Generation. Stated that he takes pride in encouraging him a few years back in being Vice-Mayor and thought that he did an outstanding job in that effort. Stated that it has been a pleasure and wished him and Georgia well in the future.
- Council Member Schlapp Council Member Schlapp stated that she describes the Lambke's as being reliable, steady and always there. Stated that they are a great part of our community. Stated that Phil brought balance to the Council and steadfastness and knowledge. Thanked him for his service and is very proud to have known him.

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VIDEO OF COUNCIL MEMBER LAMBKES' ACCOMPLISHMENTS.

A video was presented of Mr. Lambke's accomplishments while serving on the City Council.

Mayor Mayans

Mayor Mayans invited Phil Lambke and his wife, Georgia, to join him at the podium. Mayor Mayans stated that he knew Phil Lambke long before he served with him on the City Council and knew of his reputation for fiscal responsibility. Phil never wavered from his quest for keeping governments small and living within its means. He never supported a project because it was the popular thing to do. He was never afraid to be the only "no" vote on an issue that he did not feel met his fiscally sound parameters. Phil was really tight when it came to spending our taxpayers dollars. Phil taught us that success is not how much we have but what we can do without and that decisions are easy to make when you know what your values are. In closing he would like to say thank you to Georgia Lambke for sharing her husband with us for all these years and thank you to Phil for sharing your ideas and values with us. Wichita is better today because of your service to the citizens, which you have represented.

Mayor Mayans presented Phil Lambke with a plaque for his eight years of dedicated service as a member of the Wichita City Council.

Council Member Lambke

Council Member Lambke thanked his wife Georgia and stated that she deserves a lot of the credit. Thanked the staff and stated that everyone of the staff are first class people and he had never had to ask them to do anything or ask for any information that he did not get. Stated that the City could be especially proud of the staff. Stated that as far as the City Council goes, he has not always been in tune with them but have always been in touch with them. Stated that if you are voting "no" on something, you must be voting "yes" on something at the same time. Stated that while he was voting "no" on some issues, he was voting for fiscal responsibility and was voting to preserve the American capitalistic system, free enterprise system. Stated that there were a lot of times where he saw where government was interceding in that process and spending tax payers money for things that he thought they should not be spending money for. Thanked the people in District III, because he tried to represent them during the eight-years and some of the "no" votes were influenced by the people who elected him to office. Stated that you are going to have a new Councilmen in a few minutes and thinks that you will have a good time with Jim and he is going to have a good time with you. Stated that he has the potential to be one of the finest Council people of all time.

RECESS

The Mayor called a short recess at 9:50 a.m. until 9:55 a.m.

RECONVENE

The Council Meeting reconvened at 9:55 a.m.

INTRODUCTION OF NEW MEMBERS-OATH OF OFFICE ADMINISTERED BY JUDGE JENNIFER JONES.

OATH OF OFFICE

Judge Jennifer Jones swore in the following Council Members: Carl Brewer, Sharon Fearey and Jim Skelton.

Each newly elected Council Member introduced their families, made a few comments and gave thanks to their supporters.

(Council Member Skelton took his place at the bench).

VICE-MAYOR

BALLOT SELECTION OF VICE-MAYOR.

The City Clerk collected and counted the ballots.

Mayor Mayans

Mayor Mayans announced that Council Member Schlapp was unanimously selected as the next Vice-Mayor.

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OATH OF OFFICE Judge Jennifer Jones swore in Council Member Schlapp as Vice-Mayor.

Council Member Schlapp Council Member Schlapp expressed her congratulations to the newly elected Council Members and the new Council Member, introduced her family, made a few comments and gave her thanks to staff, the county, the school board, WSU, and the community for the work that they do.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS.

Council Member Gray Council Member Gray congratulated Council Member Schlapp for her appointment as Vice-Mayor and to Council Member Brewer and Council Member Fearey for doing such a good job in their campaigns and winning their seats back and is proud to work with both of them and looking forward to at least two more years with them. Stated that he appreciates the times that they both have assisted him during his two-years of learning and growing and helping him understand what he is suppose to do. Stated that it has been a pleasure to know Mr. Skelton over these past couple of years. Stated that Jim has been an appointee to one of his boards, the Board of Zoning Appeals, for the past two-years and has gotten to know him and he is a very good man and is looking forward to the opportunity of working with him.

Council Member Martz Council Member Martz congratulated Carl Brewer for a successful year as Vice-Mayor and wished Sue Schlapp good luck in the next year and welcomed back Sharon Fearey. Welcomed Jim Skelton and stated that it will be an exciting time.

Mayor Mayans Mayor Mayans stated that today is a very special day, a day when we acknowledge change in the City's leadership. Members leaving, members coming in, new opportunities to continue moving our City forward, helping to create new jobs while retaining existing positions. Building our downtown like it used to be, a vibrant place to work and play. Building our neighborhoods to be safe and strong, keeping our tax structure low and attractive so that new businesses make Wichita their home. Anything is possible if we work together, our future cannot be predicted but futures can be invented. It is our ability to invent a new future to have the courage to imagine and give us hope for a brighter tomorrow. Stated that he would like to close with a quote from Max Dupree, who said, "We cannot become what we want to be by remaining what we are." Thanked everyone for being here today and asked Jessica Johnson to come forward and make a short announcement.

Jessica Johnson Marketing Director thanked everyone for joining us on this momentous occasion on behalf of the City of Wichita. Stated that there will be a reception in the open area outside of the boardroom and everyone is invited to attend and personally congratulate our new City Council Members and give well wishes to Council Member Lambke. Asked everyone to please remain in their seats until the current City Council and Phil Lambke exits and then you will be able to see them in the receiving line and also ask that their families join them.

Motion-- Mayans moved to adjourn the meeting at 10:25 a.m. Motion carried 7 to 0.

ADJOURNMENT The City Council meeting adjourned at 10:25 a.m.

Reception followed outside of the boardroom.

Respectfully submitted,

Karen Sublett
City Clerk